

MILWAUKIE, CLACKAMAS COUNTY, OREGON

RESOLUTION NO. 22-1998

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PERTAINING TO CITY ACCEPTANCE OF A REGIONAL LIGHT RAIL PROJECT AND LOCALLY PREFERRED STRATEGY AND REQUEST FOR MITIGATION MEASURES.

WHEREAS, the South/North Transit Corridor Study was initiated in April 1993 by the Metro Council; and

WHEREAS, this project is a Bi-State Project involving multiple jurisdictions; and

WHEREAS, the Milwaukie City Council is not the final decision-making authority for the Project; and

WHEREAS, there is mixed support for the Project by citizens in Milwaukie; and

WHEREAS, the City Council has responded to the South/North Draft Environmental Impact Statement in order to work toward ensuring that impacts on Milwaukie and its neighborhoods are mitigated; and

WHEREAS, the following committees and jurisdictions have adopted recommendations supporting the Locally Preferred Strategy: South/North Project Management Group, South/North Citizens Advisory Committee, South/North Downtown Oversight Committee, South/North Steering Committee, City of Portland, Multnomah County, Clackamas County, and Tri-Met; and

WHEREAS, officials from Gresham and Hillsboro have advised Milwaukie that it is best to stay actively involved in Project decisions throughout the life of the Project in order to ensure that City interests are addressed;

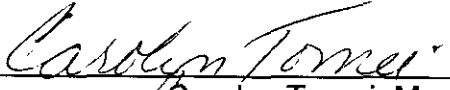
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Clackamas County, Oregon, that:

1. The Milwaukie City Council accepts the Steering Committee's Locally Preferred Strategy provided that the Project works with the City to mitigate impacts expressed by the City Council in its Draft Environmental Impact Statement comments; and

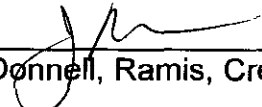
2. That the Project strive to set a new standard for Transit Projects through established communities by:
 - A. Responding in a positive manner to community concerns and impacts; and
 - B. Fulfilling commitments favorable toward the community that will build trust; and
 - C. Approving outcomes that provide the community with more livability in concert with its own unique characteristics.
3. That the Project be fully-responsive and take any and all necessary actions to respond to and affect mitigation through the Final Environmental Impact Statement preparation; and
4. That the Project be responsive to future mitigation requests by the City in Preliminary Engineering; and
5. That the Project be responsive to future mitigation requests by the City during Project Construction including but not limited to wetlands and other riparian concerns; and
6. That the Project be responsive to any and all noise and vibration impacts identified now or during future Project phases; and
7. That the Project be responsive to any privacy impacts identified during future Project phases; and
8. That the Project completes further study specific to Milwaukie area soils and geology and mitigate any impacts identified by these studies; and
9. That the Project works with Milwaukie to protect existing neighborhoods from all impacts of light rail; and
10. That the Project works with Milwaukie to deal with potential transit center spillover parking management; and
11. That the Project locates the Milwaukie Transit Center as far away from the Ledding Library and Scott Park as practicable in order to minimize noise and vibration impacts to these sensitive environments; and

12. That the Project works with the City to minimize traffic impacts on neighborhood and central business district streets; and
13. That the Project and Oregon Department of Transportation work with Milwaukie and Clackamas County to improve the Linwood/Harmony intersection and other impacted intersections and to divert regional traffic onto appropriate regional routes; and
14. That the Project addresses public safety through design and active patrol measures at all stations, transit centers, crossings, and park and ride locations; and
15. That the Project supports the City's Tree City USA efforts by replacing all trees removed from the public right-of-way with equal or better trees and planting trees within all station areas in Milwaukie; and
16. That the Project incorporates other transit system improvements as identified by the Transit Choices for Livability Project; and
17. The Project recognizes the City strongly prefers the operations and maintenance facility be located in Portland due to the substantial negative impact on the City's industrial economic base by locating the facility in Milwaukie; and
18. That the Project ensures multi-modal transit service increases within Milwaukie; and
19. That the Project improves bus service from Oregon City, Gladstone, and Oak Grove to the Transit Center to minimize flow-thru traffic on local streets; and
20. That the Project acknowledges the City Council does not intend to further up-zone station areas; re-zone any transit corridor areas; or otherwise increase population densities in established City neighborhoods; and
21. That the Project actively seeks ways to preserve Milwaukie's unique small town look and feel and works with the community to protect its suburban environment.

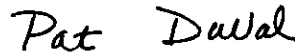
Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on July 1, 1998.


Carolyn Tomei, Mayor

APPROVED AS TO FORM:


O'Donnell, Ramis, Crew, Corrigan & Bachrach

ATTEST:


Pat DuVal, City Recorder

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DATE: July 8, 1998

CLIENT NO.: 65031-01

TO: Dan Bartlett

FAX NO.: 652-4433

TELEPHONE NUMBER.: 786-7501

FROM: Gary Firestone

DESCRIPTION OF DOCUMENT TRANSMITTED: Draft letter dated July 8, 1998 regarding LUFO findings regarding Milwaukie segments.

COMMENTS: Please call with your comments, questions or concerns.

5 - PAGE(S) TO FOLLOW, EXCLUDING COVER SHEET.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL THE UNDERSIGNED AT (503) 222-4402 IMMEDIATELY. THANK YOU.

SIGNED: Jacalyn L. Fearing, Legal Assistant

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DRAFT

July 8, 1998

Mark J. Greenfield
 Suite 1080
 111 SW Columbia
 Portland, OR 97201

Re: Draft LUFO Findings Regarding Milwaukie Segments

Dear Mark:

On behalf of the City of Milwaukie, we have reviewed the draft Land Use Final Order findings for the Milwaukie segments of the South/North Project. We did not receive any of the general provisions, so our comments are limited to the Milwaukie segment findings and assume that the issues we raise are not resolved elsewhere in the findings or order. We recognize that general findings may obviate some of the concerns expressed in this letter.

We note that the findings stated that mitigation strategies will be evaluated through the local permitting process. Given that the LUFO acts as the final land use order, it should contain specific authorization for local governments to impose conditions, including conditions requiring mitigation, to address any impact. It should also provide that all impacts of the South-North Project shall be mitigated at the expense of the South-North Project.

Coordination. Because the impacts will be felt on a local level, coordination with local governments is necessary. We recommend that the following language be included:

Coordination for all planning should involve local governments to reduce impacts and develop appropriate mitigation measures. Coordination should take place prior to, during and after local permitting processes.

*Also Admitted To Practice In Washington **Also Admitted To Practice In California
 ++ Also Admitted To Practice In Washington and Montana

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Milwaukee Transit Center. The Milwaukee Transit Center will have a tremendous impact on the vital downtown area, Scott Park, and Leding Library. Although the draft findings recognize this impact, but they do not sufficiently allow for local input and review of final siting and design. The following language should be added:

Because of the importance of the Milwaukee Transit Center to the City of Milwaukee and the effect on the City's downtown and Scott Park, route alignment and station siting and design for the Milwaukee Transit Center shall be subject to review by the City of Milwaukee. Mitigation for all impacts, including parking and traffic impacts, shall be coordinated with the City of Milwaukee and funded by the Project. ✓

Visual Impact. The discussion of visual impact leaves out the important concept of local input. We suggest the following language be added to each discussion of visual impact:

Visual impact is primarily a matter of local concern. Local governments may impose reasonable conditions relating to visual impact as part of the local permitting process.

Trees. Although the draft findings contain various provisions relating to revegetation, they do not address Milwaukee's commitment to the Tree City USA program. A developed urban area's social environment and natural resources include trees along roadways and in other developed areas. We suggest the following language be included:

Mitigation measures should include equivalent replacement of all trees removed either from large natural areas or alongside roadways.

This language could be included in the natural resources, neighborhood impact, or visual/aesthetic sections.

Traffic Mitigation. The draft findings and proposed mitigation measures do not adequately consider the variable of other public (bus) transportation. Adequate bus service may mitigate some of the impacts, but less than adequate bus service will exacerbate some of the impacts. Without knowing the level of bus service, it is impossible to determine whether the street improvements discussed as mitigation will be adequate. We suggest that the following language be included:

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Traffic impacts will be affected by the level of bus and other public transportation service. Mitigation measures should include a commitment to specified levels of bus service. Increased bus service from Oregon City, Gladstone and Oak Grove to the Milwaukie Transit Center may be required as mitigation.

Contaminated Areas. We believe that some areas near the proposed alignment, including the Hanna-Harvester property may have had soil and/or water contamination. The findings should include a statement that mitigation measures will include cleanup of any soil or water contamination that is encountered at the expense of the project.

Wetlands Mitigation. The draft findings address wetlands mitigation on an impact-by-impact basis. A coordinated effort to address wetlands impacts is advisable. We recommend that each discussion of wetlands mitigation include the following:

All wetlands mitigation efforts required to offset the impact of the South/North Project should be coordinated and an overall wetlands mitigation plan should be developed.

Title 3. There is at least one mention of Metro Functional Plan Title 3 in the sections we reviewed, but no overall commitment to compliance with Title 3. A general statement that Title 3 standards or local government Title 3 implementation measures will govern final design and mitigation should be included.

Local Air Quality Issues. The draft findings do not adequately address local air quality issues that may arise from traffic delays or increased bus concentrations at transit centers. These issues should be addressed as neighborhood impacts.

Safety. The draft findings did not address one aspect of public safety, the potential for accidents. Several light rail accidents have occurred on the existing portions of the system, and this is a safety issue that should be addressed in the LUPO. Express authority should be given to require safe alternatives or to require safety measures as conditions of final approval. Furthermore, active policing/patrols of station areas should be required as mitigation for public safety impacts.

Economic Impacts. Although the draft findings discuss the tax base impact, they do not discuss the increased governmental services (police, fire, emergency medical), that may be required. These economic impacts should be addressed and funding by the Project must be required.

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Utility Relocations. The findings did not address the issue of utility relocations. We suggest the following language:

All utility facilities and lines that are required to be relocated shall be relocated in coordination with the City and at the expense of the South-North Project. In the event the new locations of utility facilities and lines cause any impact, the South-North Project shall be responsible for mitigating those impacts.

Phasing. The draft LUFO findings do not discuss possible phasing of either the light rail line or the maintenance facility. If phasing is to occur, it should be set out in the LUFO.

Limitations on Highway 224 Expansion. The draft findings include a finding that Highway 224 can still be expanded to six lanes. The findings should clearly provide that the final design shall not prevent the widening of Highway 224 to six lanes.

Linwood/Harmony Intersection. The findings should specify City and County involvement in planning for the Linwood/Harmony intersection.

Multi-Modal Transit. The LUFO should expressly provide for multi-modal transit service increases within the City of Milwaukie.

Incorporation of Transit Choices for Livability Project. The LUFO should expressly recognize that the Project must include transit system improvements identified by the Transit Choices for Livability Project.

Location of O&M Facility. The LUFO should express the preference that the O&M facility be located near 17th and Holgate.

Zoning. The LUFO findings do not address zoning. The following express disclaimer should be added:

The LUFO does not require any particular zoning or change in zoning in areas adjacent to or near the stations light-rail lines and transportation company.

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I enclose a copy of a resolution by the City of Milwaukee expressing its position on South-North Light Rail issues. The LUFO findings should address all issues raised in the resolution, even if the issues are not discussed in this letter.

Please call me you have any questions concerning these comments.

Very truly yours,

Timothy V. Ramis

TVR/jlf
c:\ramis\jlf\cityofmilwaukee\greenfield\tr